

1

2

3

4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6

7 BROWN,

8 Plaintiff,

9 v.

10 LION SHARE INVESTMENTS, LLC,

11 Defendant.

Case No. [17-cv-05531-EMC](#)

**ORDER DENYING PLAINTIFF'S  
APPLICATION FOR LEAVE TO  
PROCEED IN FORMA PAUPERIS**

Docket No. 19

12 Plaintiff has applied for leave to proceed in forma pauperis on her appeal to the Ninth  
13 Circuit from this Court's order denying her application for a stay of a bankruptcy court order  
14 pending her appeal. "An appeal may not be taken in forma pauperis if the trial court certifies in  
15 writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The Ninth Circuit has held that  
16 "if at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis must  
17 be granted for the case as a whole." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir.  
18 2002).

19 Plaintiff appears to meet the financial requirements for in forma pauperis status. The Court  
20 nevertheless **DENIES** her request because her appeal does not present a non-frivolous claim, for  
21 the same reasons stated in the Court's order of denial. *See* Docket No. 13; *In re Perl*, 811 F.3d  
22 1120, 1127-29 (9th Cir. 2016) (under California law, "no occupant of the premises retains any  
23 possessory interest of any kind following service of the writ of possession").

24 This disposes of Docket No. 19.

25 **IT IS SO ORDERED.**

26 Dated: October 31, 2017

27  
28   
EDWARD M. CHEN  
United States District Judge